

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 305

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GERALD E. WEEKS

AN ACT

RELATING TO INMATE WORK CAMPS; ESTABLISHING AN INMATE WORK CAMP PROGRAM; ENACTING NEW SECTIONS PERTAINING TO STATE CORRECTIONAL FACILITIES; ENACTING NEW SECTIONS OF THE FOREST CONSERVATION ACT; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 33-2-51 NMSA 1978 is enacted to read:

"33-2-51. [NEW MATERIAL] INMATE WORK CAMP PROGRAM  
CREATED--PURPOSE.--There is created an inmate work camp program for which the corrections department shall provide inmate labor for natural resources work planned by the forestry division of the energy, minerals and natural resources department. The purpose of the inmate work camp program is to use minimum security inmates to perform work on natural resource projects on

Underscored material = new  
[bracketed material] = delete

Underscored material = new  
[bracketed material] = delete

1 public lands and wildfire suppression in New Mexico. The inmate  
2 work camp program is not an inmate-release program pursuant to  
3 the provisions of Sections 33-2-43 through 33-2-47 NMSA 1978."

4 Section 2. A new Section 33-2-52 NMSA 1978 is enacted to  
5 read:

6 "33-2-52. [NEW MATERIAL] INMATES ELIGIBLE TO  
7 PARTICIPATE. --The corrections department shall screen and  
8 classify inmate applicants for the inmate work camp program. To  
9 be eligible, a candidate for participation in the inmate work  
10 camp program shall:

11 A. meet all of the standards provided in Section  
12 33-2-44 NMSA 1978; and

13 B. not be serving a sentence for first or second  
14 degree murder."

15 Section 3. A new Section 33-2-53 NMSA 1978 is enacted to  
16 read:

17 "33-2-53. [NEW MATERIAL] WORK CAMPS. --The corrections  
18 department may establish work camps for the custody of inmates  
19 performing labor pursuant to the inmate work camp program. As  
20 used in this section, "work camp" means a minimum security  
21 facility operated by the corrections department that houses  
22 inmates being trained or providing labor pursuant to the inmate  
23 work camp program."

24 Section 4. A new Section 33-2-54 NMSA 1978 is enacted to  
25 read:

.113864.2

Underscored material = new  
[bracketed material] = delete

1 "33-2-54. [NEW MATERIAL] INMATE COMPENSATION--INMATES NOT  
2 EMPLOYEES AND NOT ELIGIBLE FOR WORKERS' COMPENSATION. --

3 A. The corrections department shall establish  
4 policies and procedures for compensating inmates who work in the  
5 inmate work camp program.

6 B. No inmate compensated under this section shall be  
7 considered an employee of or shall be employed by the  
8 corrections department or the forestry division of the energy,  
9 minerals and natural resources department or any entity deriving  
10 benefits from inmate services; nor shall any inmate come within  
11 the provisions of the Workers' Compensation Act or be entitled  
12 to any benefits under that act whether on behalf of the inmate  
13 or of any other person. "

14 Section 5. A new section of the Forest Conservation Act is  
15 enacted to read:

16 "[NEW MATERIAL] AUTHORITY TO CONTRACT WITH CORRECTIONS  
17 DEPARTMENT AND PUBLIC LAND MANAGEMENT AGENCIES. --

18 A. The forestry division of the energy, minerals and  
19 natural resources department may enter into agreements with the  
20 corrections department to provide planning and supervision of  
21 natural resource projects for the inmate work camp program.

22 B. The forestry division may contract with and  
23 receive funds for public land management agencies for which  
24 natural resource work is performed pursuant to the inmate work  
25 camp program. "

.113864.2

Underscored material = new  
[bracketed material] = delete

1 Section 6. A new section of the Forest Conservation Act is  
2 enacted to read:

3 "[NEW MATERIAL] FORESTRY DIVISION TO SUPERVISE NATURAL  
4 RESOURCE WORK AND TO DEVELOP POLICIES. --

5 A. The forestry division of the energy, minerals and  
6 natural resources department may plan and develop natural  
7 resource projects, provide technical direction and supervision  
8 of natural resource work performed by inmates, provide  
9 instruction in forestry and natural resource issues to inmates,  
10 provide direction and instruction to inmates in the use of tools  
11 and equipment and conduct safety training for inmates performing  
12 labor pursuant to the inmate work camp program.

13 B. The forestry division may develop policies and  
14 procedures for the inmate work camp program that address  
15 planning and developing natural resource projects, supervising  
16 and directing natural resource projects and providing safety  
17 training for inmates performing assigned work. "

18 Section 7. A new section of the Forest Conservation Act is  
19 enacted to read:

20 "[NEW MATERIAL] FORESTRY WORK CAMP REVOLVING FUND  
21 CREATED. -- There is created within the state treasury the  
22 "forestry work camp revolving fund". All money received by the  
23 forestry division of the energy, minerals and natural resources  
24 department from public land management agencies for work  
25 performed pursuant to the inmate work camp program shall be

.113864.2

Underscored material = new  
[bracketed material] = delete

1 delivered to the state treasurer and deposited in the forestry  
2 work camp revolving fund. Disbursements from the fund shall be  
3 made upon warrants drawn by the secretary of finance and  
4 administration pursuant to vouchers signed by the secretary of  
5 energy, minerals and natural resources. Money in the fund is  
6 appropriated to the energy, minerals and natural resources  
7 department for administration of the inmate work camp program,  
8 including the acquisition of tools and equipment and expenses  
9 incurred in planning and supervising natural resource projects.  
10 Any unexpended or unencumbered balance remaining in the forestry  
11 work camp revolving fund at the end of a fiscal year shall not  
12 revert to the general fund but shall remain and accrue to the  
13 benefit of the forestry work camp revolving fund. "

14 Section 8. EFFECTIVE DATE. --The effective date of the  
15 provisions of this act is July 1, 1997.

16 - 5 -

17  
18  
19  
20  
21  
22  
23  
24  
25  
.113864.2

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 7, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 305

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 1, line 24, after the word "use" insert "male  
and female".,

and thence referred to the APPROPRIATIONS AND FINANCE  
COMMITTEE.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Respectfully submitted,

\_\_\_\_\_  
Thomas P. Foy, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: King, Sanchez

Absent: None

M \ H0305

# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 4, 1997**

1  
2  
3  
4  
5  
6  
7 **Mr. Speaker:**

8           Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
9 whom has been referred

10  
11                   HOUSE BILL 305, as amended

12  
13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.

15                                   Respectfully submitted,

16  
17  
18  
19 \_\_\_\_\_  
20 Max Coll, Chairman  
21  
22  
23  
24  
25

.113864.2

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Coll, Heaton, Knowles, Marquardt, Picraux, Taylor, JP,  
Varela, Watchman

Absent: None

M \H0305

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

Page 10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 18, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 305, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

---

Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

H0305FC1

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

Page 12

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 18, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 305, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

H0305FC1

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

Page 14

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 17, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 305, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
FINANCE COMMITTEE.

Respectfully submitted,

---

Fernando R. Macias, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Sanchez, Vernon

Absent: None

H0305JU1

Underscored material = new  
[bracketed material] = delete